

**IN THE UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>BRANCH BANKING AND TRUST COMPANY</b>	:	<b>Case No. 14 CV 1774</b>
	:	
<b>Plaintiff</b>	:	<b>Judge Gregory L. Frost</b>
	:	
	:	<b>Magistrate Judge Elizabeth P. Deavers</b>
	:	
<b>v.</b>	:	
	:	
<b>B.K. MINING &amp; CONSTRUCTION, LLC, et al.</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT AND DIRECTING  
CLERK TO ENTER DEFAULT JUDGMENT AGAINST BETTY K. BALCAR**

On October 1, 2014, the Plaintiff, Branch Banking and Trust Company, filed a complaint against the Defendant, Betty K. Balcar, requesting that this Court order Mrs. Balcar to set up her claims to the mortgaged property or forever be barred from doing so. *See*, ECF No. 1 (the Complaint). On October 9, 2014, a summons was issued to Defendant Betty K. Balcar stating that if she failed to respond, judgment by default would be entered against her for the relief demanded in the Complaint. The summons was returned executed as to the Defendant on October 13, 2014. *See*, ECF 9.

On January 9, 2015, the Plaintiff filed a motion for default asserting that Defendant Betty K. Balcar has failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure. Plaintiff's counsel attached an affidavit in support of the motion, which is sufficient to permit the entry of a default. Accordingly, the Clerk of Court entered default pursuant to Federal Rule of Civil Procedure 55(a).

On March 9, 2015, the Plaintiff filed a motion for default judgment. The Plaintiff indicates in its motion that it is seeking an Order prohibiting Defendant Betty K. Balcar from

asserting her rights to the mortgaged property in order to stop or delay the foreclosure action. Based on the Plaintiff's Motion for Default Judgment, this Court finds that a hearing does not need to be conducted pursuant to Federal Rule of Civil Procedure 55(b)(2). As such, it is hereby ORDERED that the Plaintiff's Motion for Default Judgment against Defendant Betty K. Balcar is hereby GRANTED and that Defendant Betty K. Balcar is prohibited from asserting her rights to the mortgaged property to bar or delay a foreclosure action. The Clerk of Court is therefore, DIRECTED to enter judgment under Federal Rules of Civil Procedure 55 and 58.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this Order to counsel of record herein. This Court notes that to date no counsel has entered an appearance on behalf of the Defendant Betty K. Balcar. Accordingly, the Clerk is directed to transmit a copy of this Order to counsel of record herein and to the Defendant, Betty K. Balcar, 101 Circle Drive, St. Clairsville, OH 43950.

DATED: March 10, 2015

/s/ GREGORY L. FROST  
JUDGE GREGORY L. FROST